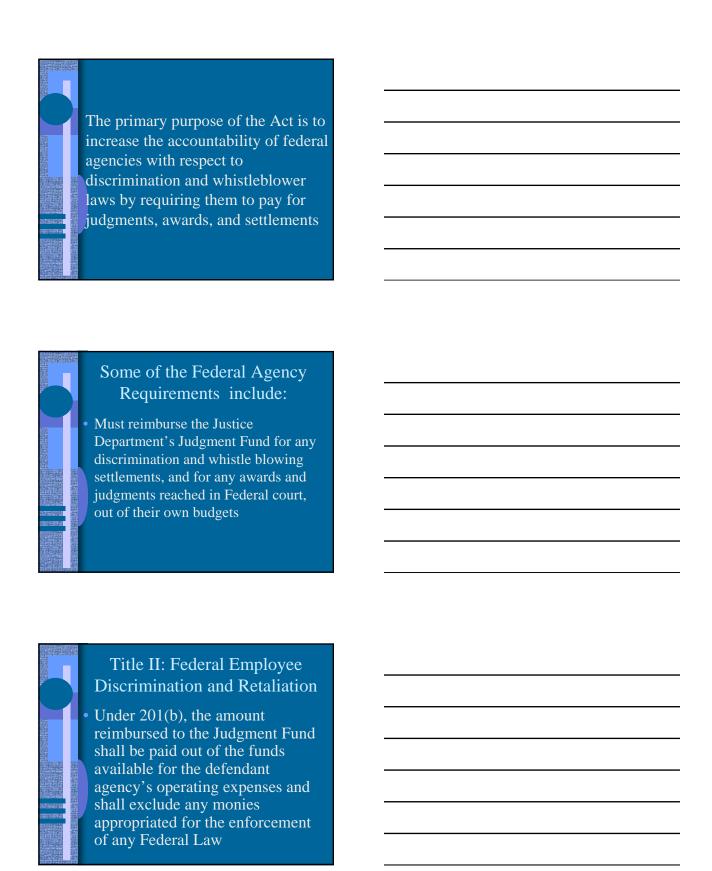




NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT Pub. L. No. 107-174 116 Stat. 566 May 15, 2002

Section 104: Effective Date
Although enacted on May 15, 2002,
the Act was effective on October 1,
2003





Section 102: Sense of Congress

- Agencies must reimburse the Judgment Fund in the following manner:
 - -Financial Management Service (FMS) will provide notice to agency Chief Financial Officer within 15 days after payment from the Judgment Fund

5 C.F.R. § 724.104(a)

Section 102: Sense of Congress

 Within 45 business days of notice by FMS, agencies must reimburse the Judgment Fund or contact FMS to make arrangements in writing for reimbursement

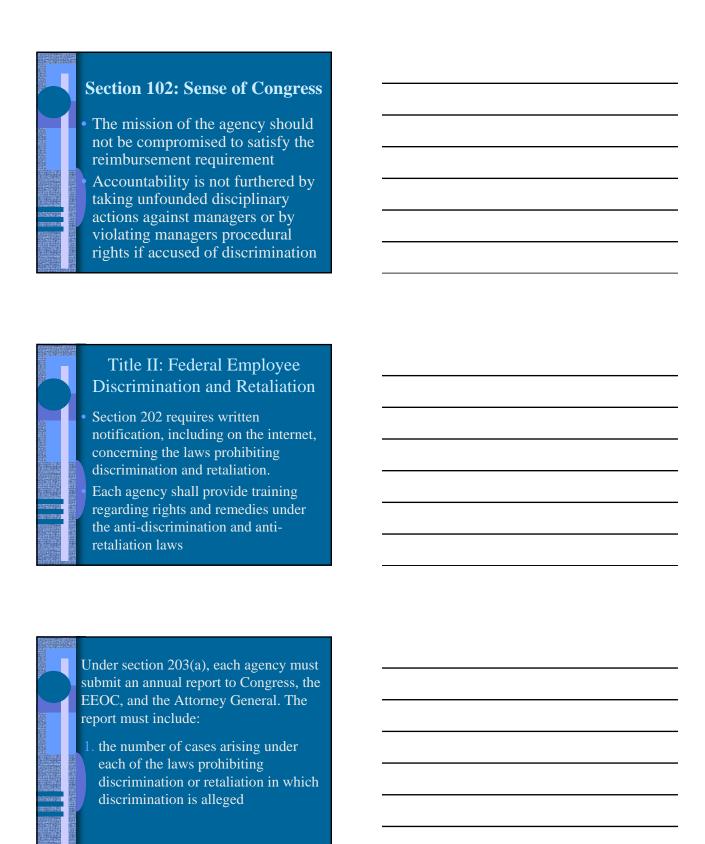
5 C.F.R. § 724.104 (b)

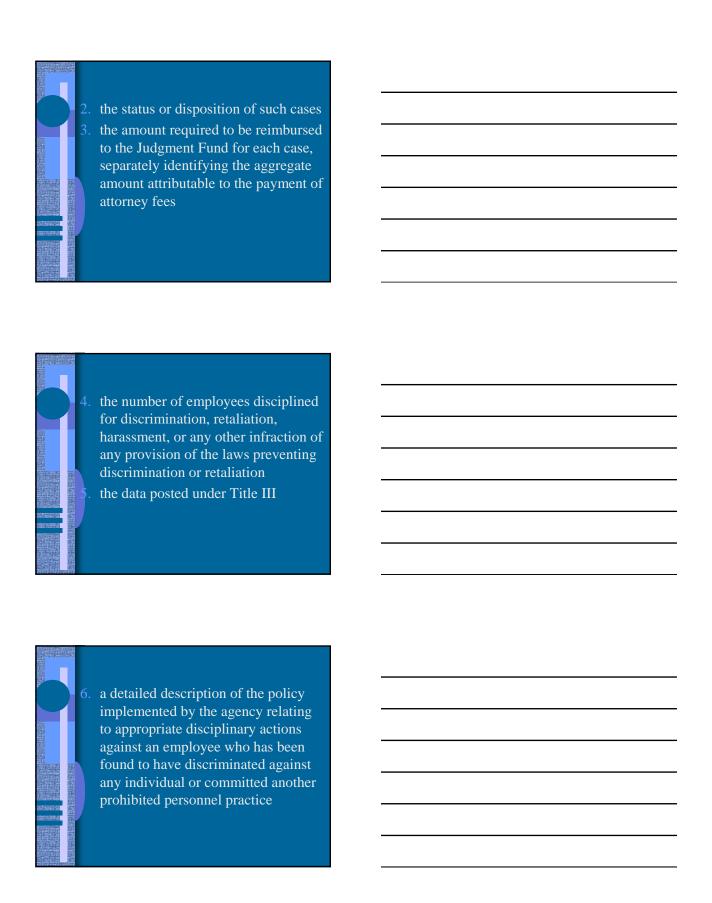


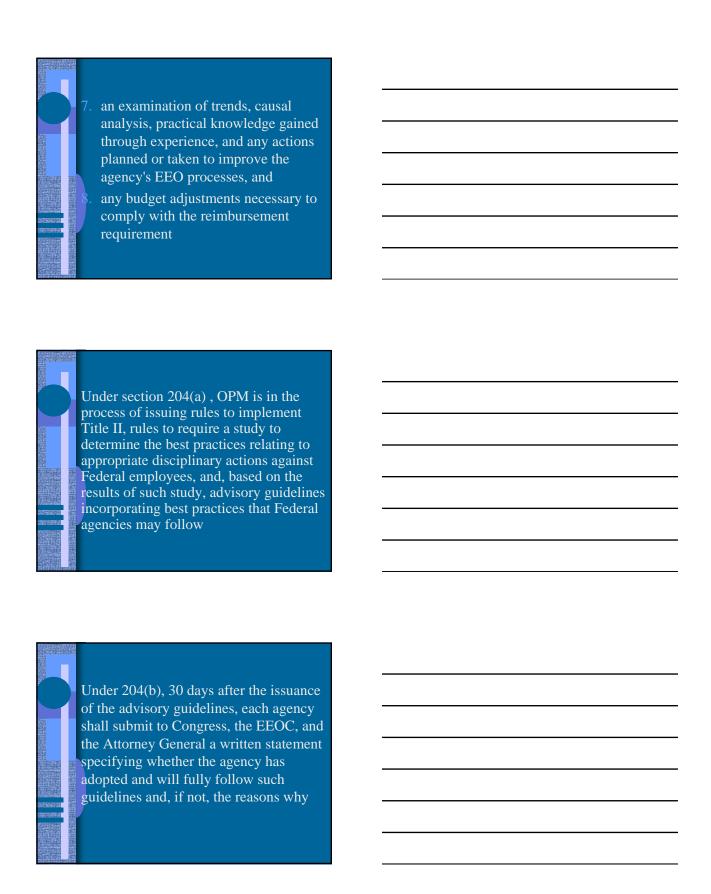
Section 102: Sense of Congress

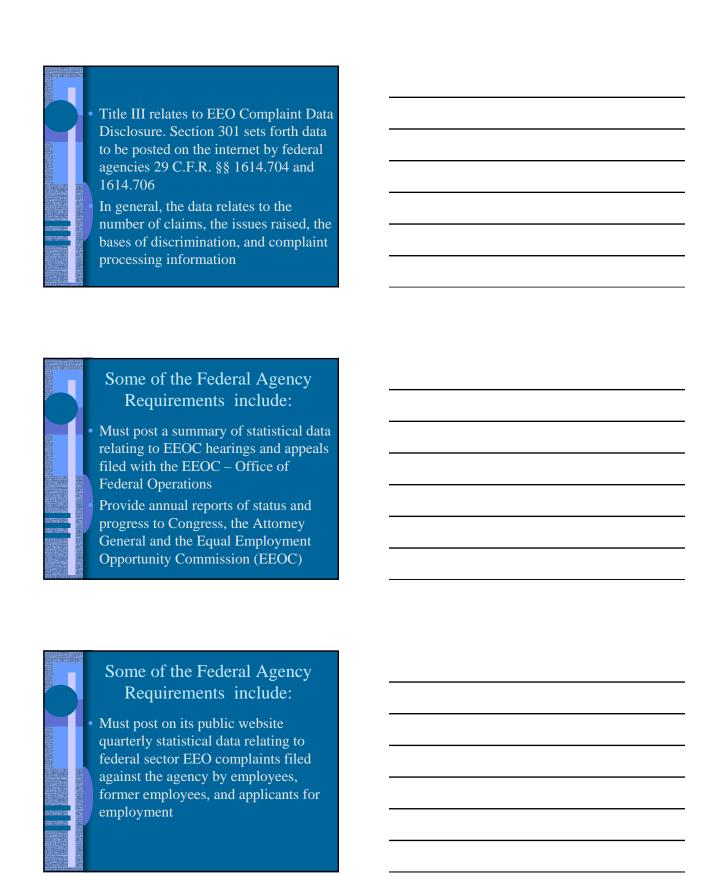
 Congress indicated a significant amount of its intent about the Act in this section

For example, federal agencies shall not retaliate for judgments or settlements by reducing compensation, benefits or staff











Some of the Federal Agency Requirements include:

 Initiate timely and appropriate discipline against employees whose misconduct related to discrimination or reprisal



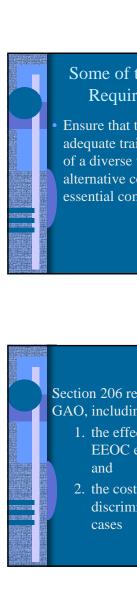
Some of the Federal Agency Requirements include:

Conduct studies on the trends and causes of complaints of discrimination
Implement new measures to improve the complaint process and the environment



Some of the Federal Agency Requirements include:

Must notify and train all <u>current</u> <u>employees</u> about their rights under the anti-discrimination and whistleblower laws by September 30, 2005 – and must train <u>new employees</u> during their orientation program

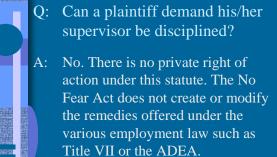


Some of the Federal Agency Requirements include:

Ensure that their managers have adequate training in the management of a diverse workforce, early and alternative conflict resolution, and essential communication skills

Section 206 requires several studies by GAO, including:

- 1. the effects of eliminating the pre-EEOC exhaustion requirements, and
- 2. the costs to DOJ of defending discrimination and retaliation cases



Q:	Does No Fear require that an agency official accused of discrimination or retaliation be disciplined?	
A:	No. The only requirements in No Fear relating to discipline are reporting requirements.	
Q:	What should the accused agency manager be told?	
	That DOJ/AUSA does not represent the personal or individual interests of the manager. That the manager is not a party to the lawsuit (except in rare cases). That DOJ/AUSA represents the interests of the	
	United States. That the agency counsel represents the interests of the agency.	
V570-2-9-2-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1		
Q:	What if the manager asks if he/she will be disciplined as a result of the litigation?	
A:	You can make no guarantees. It will depend on the disciplinary policies of the particular agency, but the statute does not require that the manager be disciplined.	

